



PF

Serial Number 10/720,055

PATENT



Applicant: Konstantin Melamed et al. Examiner: Kuen S. Lu
Serial No.: 10/720,055 Group Art Unit: 2167
Filed: November 25, 2003
Title: Web-Interactive Software Testing Method and Computer System Including an Integrated Test Case Authoring Tool

Petition to Revive Application based on Unintentional Abandonment
(37 CFR 1.137(b))

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

Applicants respectfully submit the instant petition and requests that the application be revived. Applicants' delay in paying the issue fee in the instant allowed application was unintentional.

Pursuant 37 CFR 1.17(m), the petition fee for small entities of Seven Hundred and Fifty Dollars (\$750) is submitted herewith.

Additionally, the issue fee of Seven Hundred Dollars (\$700) and publication fee of Three Hundred Dollars (\$300) is submitted in a lump sum check of One Thousand Dollars (\$1,000) to the issue fee Mail Stop with the appropriate form.

Applicants' failure to pay issue fee unintentional

Further to this Petition, Applicants respectfully request that the enclosed petition fee be waived and contends that Applicants' failure to pay the issue fee came as a result of an error by the United States Patent Office mailing system.

Applicants received a "Notice of Allowability" from the Examiner, mailed November 29, 2006, which stated the reasons why, in the Examiner's opinion, the claims as amended were allowable. Applicants patiently waited for a formal "Notice of Allowance" pending supervisory review of the claims, which would have instructed Applicants to pay the issue and publication fees; however, one was never received.

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The next correspondence received by Applicants was a "Notice of Abandonment" mailed March 28, 2007 stating that the application was going abandoned for failure to pay the issue fee.

Applicants called the Examiner and inquired as to why a "Notice of Allowance" was never sent; however, Examiner's database indicated that one had been sent on November 29, 2006, presumably along with the "Notice of Allowability." Applicant respectfully contends this to be in error. It is not possible for a "Notice of Allowability" and "Notice of Allowance" to be sent contemporaneously since the later follows the former after a final review of the allowed claims by the supervisory examining corps.

Conclusions

Applicants respectfully request as follows:

- (a) The applicant be revived;
- (b) The application issue as a patent; (issue and publication fees sent to Mail Stop ISSUE FEE);
- (c) That the petition fee be waive due to error by the USPTO in sending a "Notice of Allowance." Applicant consents to the USPTO destroying the enclosed check for the petition fee.

Respectfully submitted,

KONSTANTIN MELAMED

YEVSEY MELAMED

Date 04/26/2007

Konstantin Melamed

Name

Yevsey Melamed

Name



Signature



Signature